



Entered on Docket
August 09, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING SEVENTEENTH OMNIBUS OBJECTION OF THE
USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS
EXCEPT PROOF OF CLAIM NO. 10725-00572 FILED BY EDWARD KLINE,
PROOF OF CLAIM NO. 10725-02302 FILED BY NANCY N. LAFLEUR. PROOF
OF CLAIM NO. 10725-02210 FILED BY LARRY AND PATSY RIEGER**

The USACM Liquidating Trust (the “USACM Trust”) filed its Seventeenth Omnibus Objection to Claims Asserting Secured Status [DE 3165] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed with the Court as follows:

- Responses filed by Edward Kline [DE 3475] and [DE 3476] pertaining to Claim No. 10725-00572. Counsel filed a motion for summary judgment as to this claim on July 30, 2007 [DE 4291]. Counsel deleted Mr. Kline’s claim from the Exhibit to the Seventeenth Omnibus Objection attached to this Order.
- Opposition filed by the Mantas Group on behalf of Nancy N. LaFleur in regard to Claim No. 10725-02302 [DE 3507]. An Order Approving Stipulation with counsel allowing the claim as an unsecured claim, albeit subject to further objection, was filed with this Court on June 4, 2007 [DE 3887]. Counsel deleted Nancy LaFleur’s claim from the exhibit to the Seventeenth Omnibus Objection attached to this Order.
- Response filed by Larry and Patsy Rieger pertaining to Claim No. 10725-02210. Counsel filed a motion for summary judgment as to this claim on July 30, 2007 [DE 4291]. Counsel deleted Mr. and Ms. Rieger’s claim from the Exhibit to the Seventeenth Omnibus Objection attached to this Order.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust’s Seventeenth Omnibus Objection to Claims Asserting Secured Status;

- ###

LEWIS AND ROCA LLP

1839160.1

1 APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

BOLICK & BOYER

2
3
4 Edward Kline
5 Edward Kline

By: _____
Erven T. Nelson, NV 2332
Attorneys for Mantas Group

6
7 APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

8
9 Larry L. Rieger, Trustee

Patsy R. Rieger, Trustee

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
- ☒ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b) (Erven T. Nelson, Counsel for Nancy LaFleur, Larry L. Rieger; and Patsy R. Rieger).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☐ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

17th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Kenneth H & Phyllis P Wyatt Family Trust Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	10725-01600	12/8/2006	\$54,253.44	S
2	Kenneth H & Phyllis P Wyatt Family Trust Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	10725-01602	12/8/2006	\$108,166.65	S
3	Kenneth H & Phyllis P Wyatt Family Trust Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	10725-01605	12/8/2006	\$54,083.35	S
4	Kenneth H & Phyllis P Wyatt Family Trust Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	10725-01825	12/28/2006	\$135,208.35	S
5	Kenneth H & Phyllis P Wyatt Family Trust Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	10725-01826	12/29/2006	\$54,083.35	S
6	Kenneth H & Phyllis P Wyatt Family Trust Kenneth & Phyllis Wyatt Ttees Po Box 370400 Las Vegas, NV 89137-0400	10725-01827	12/28/2006	\$108,166.65	S
7	Kenneth L Schumann Living Trust C/O Kenneth L Schumann Ttee 10 Town Plz #99 Durango, CO 81301-5104	10725-00882	10/31/2006	\$125,000.00	S
8	Kern, Francis 1060 Country Ridge Dr Sparks, NV 89434	10725-00808	10/30/2006	\$90,000.00	S
9	Kerner Ttee Of The Kerner Revocable Tr, Melvin W 15754 Sunset Dr Poway, CA 92064	10725-02288	1/12/2007	\$50,746.52	S, U

10	Kiven Joint Tenants, Norman & Caryn Andrew J Abrams Esq Sugar Friedberg & Felsenthal Llp 30 N Lasalle St Ste 3000 Chicago, IL 60602	10725-01301	11/10/2006	\$75,000.00	S
11	Kiven, Norman Andrew J Abrams Esq Sugar Friedberg & Felsenthal Llp 30 N Lasalle St Ste 3000 Chicago, IL 60602	10725-01297	11/10/2006	\$1,040,000.00	S
12	Kiwi Nevada Lp Po Box 370400 Las Vegas, NV 89137-0400	10725-01603	12/8/2006	\$54,183.35	S
13	KiWI Nevada Lp Po Box 370400 Las Vegas, NV 89137-0400	10725-01723	12/11/2006	\$40,149.91	S
14	KiWI Nevada Lp Po Box 370400 Las Vegas, NV 89137-0400	10725-01732	12/11/2006	\$24,318.02	S
15	Klay Ttes Of The Klay Living Trust, Othmar & Christine 5530 Lausanne Dr Reno, NV 89511	10725-02177	1/12/2007	\$354,236.95	S, U
16					
17	Km Financials LLC 4847 Damon Cir Salt Lake City, UT 84117-5854	10725-02053	1/11/2007	\$50,883.56	S, U
18	Km Group A Nevada General Partnership Aime Kearns 5886 N Bonita Vista St Las Vegas, NV 89149	10725-01999	1/10/2007	\$152,179.67	S, U
19	Knobel li, Robert H & Matthew S 225 Riverton Rd Weddington, NC 28104-6003	10725-01642	12/8/2006	\$57,423.52	S
20	Koerwitz Ttees Family Trust Dtd 5/13/03, Kenneth W & Jan Case Kenneth & Jan Case Koerwitz Fam Trust 44 Winfield Ln Walnut Creek, CA 94595	10725-02046	1/11/2007	\$764,002.88	S, U
21	Kolbert, Carl 11200 Bondshire Dr Reno, NV 89511	10725-01690	12/11/2006	\$49,521.00	S

22	Kopf, Klaus & Colette 8096 Merlewood Ave Las Vegas, NV 89117-7647	10725-00591	10/16/2006	\$50,000.00	S
23	Kpt Irrevocable Trust C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10725-00796	11/9/2006	\$202,866.38	S
24	Kpt Irrevocable Trust C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10725-01194	11/10/2006	\$202,866.38	S
25	Kriss, Arthur I 2398 West 1050 N Hurricane, UT 84737	10725-01877	1/8/2007	\$24,483.61	S
26	Kriss, Arthur I 2398 West 1050 North Hurricane, UT 84737	10725-01874	1/8/2007	\$50,000.00	S
27	Kriss, Arthur I 2398 West 1050 North Hurricane, UT 84737	10725-01875	1/8/2007	\$120,000.00	S
28	Kriss, Arthur I 2398 West 1050 North Hurricane, UT 84737	10725-01876	1/8/2007	\$50,000.00	S
29	Krynzel, David B. Individually and as Managing Partner of Gold Runner LLC 740 Aldo Rae Court Henderson, NV 89052	10725-02429	1/12/2007	\$57,374.31	S
30	Kubly Jtwos, Marshall D & Kathleen 4687 Bradford Ln Reno, NV 89509	10725-00139	8/15/2006	\$60,000.00	S U - Unknown
31	Kwong, Wendy 1817 California St Unit # 211 San Francisco, CA 94109	10725-01255	11/10/2006	\$1,040.36	S
32	Ladd, Dina 355 Mogul Mountain Dr. Reno, NV 89523-9622	10725-01845	1/4/2007	\$25,000.00	S
33	Laena Emmerich Survivors Trust Dtd 5/18/89 C/O Todd A Humphrey Trustee 18665 Meadowlark Ct Penn Valley, CA 95946-9655	10725-00440	10/4/2006	\$100,000.00	S

34	Lafayette, Joseph B & Catherine D 9030 Junipero Ave Atascadero, CA 93422	10725-02189	1/12/2007	\$205,185.87	S, U
35					
36	Land Exchange Accommodators 2775 S Rainbow Blvd Ste 150 Las Vegas, NV 89146-5192	10725-01192	11/10/2006	\$204,537.67	S
37	Land Exchange Accommodators Po Box Ste 150 2775 S Rainbow Blvd Las Vegas, NV 89146-5192	10725-01197	11/10/2006	\$304,241.10	S
38	Lange, Robert 7915 Helena Ave Las Vegas, Nv 89129	10725-01469	11/16/2006	\$150,000.00	S
39	Lanzas, Jose M & Gladys 3345 Spotted Fawn Dr Orlando, FL 32817-5006	10725-00930	11/2/2006	\$95,000.00	S
40	Lanzas, Jose 3345 Spotted Fawn Dr Orlando, FL 32817	10725-00931	11/2/2006	\$20,000.00	S
41					
42	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01769	12/13/2006	\$72,247.00	S
43	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01770	12/13/2006	\$60,787.00	S
44	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01771	12/13/2006	\$51,463.00	S
45	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01772	12/13/2006	\$70,866.00	S
46	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01773	12/13/2006	\$22,894.00	S

47	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01774	12/13/2006	\$153,785.00	S
48	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01775	12/13/2006	\$636.00	S
49	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01776	12/13/2006	\$100,000.00	S
50	Larson, Gary & Dolores 544 Rolling Hills Dr Mesquite, NV 89027	10725-01777	12/13/2006	\$103,030.00	S